



Docket No.: M4065.0939/P939
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Howard E. Rhodes

Examiner: Thinh T. Nguyen

Application No.: 10/695,160

Art Unit: 2818

Filed: October 29, 2003

For: PINNED PHOTODIODE STRUCTURE AND
METHOD OF FORMATION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
MS: Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the restriction requirement set forth in the Office Action dated April 6, 2005. Applicant hereby elects Group I, claims 1-122, 234-236, and 239, for continued examination with traverse.

Applicant respectfully submits that given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In this case, there would be only two additional claims for the Examiner to consider during the search and examination. Accordingly, it would not be a serious burden to continue examination of two additional claims with the Group I claims, *i.e.*, claims 1-122, 234-236, and 239.

An action on the merits of all the claims and a Notice of Allowance thereof
are respectfully requested.

Dated: May 4, 2005

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorney for Applicant